*137 **WILLIAM B. INGRAM**

The said witness, having been previously duly sworn, resumed the stand and testified further as follows:

Direct Examination by Mr. Patrick Johnson (Resumed).

Q. Mayor, pursuant to an invitation, did you visit the Missouri Pacific last evening after we left the court?

A. Yes, sir, between 5:30 and 6:00 o'clock.

Q. And did you also visit the Southern?

A. Yes, sir.

Q. Were photographs taken down there yesterday?

A. Yes, sir.

Q. Were you present at the time?

A. Yes, sir.

Q. I believe you appeared here in one or two of those pictures, is that correct?

A. Yes.

Q. Mayor, I would like for you to look at those photographs there. Count the number, and I would like to make them exhibits to your direct examination, and you might explain to the Court what those photographs represent.

A. I believe there are twelve. It looks like five taken

*Numbers appearing in outer edge of text indicate page numbers of original stenographic transcript of testimony.

at the southern, and I believe these others—seven
138 were at the Missouri Pacific.

Q. Seven on the Missouri Pacific and five on the Southern?

A. Yes. And we would have taken others if we hadn't run out of time. We went to the Missouri Pacific first and then we went to the Southern.

MR. JOHNSON: If the Court, please, I would like to make the ones pertaining to the Southern Exhibits to his direct examination.

THE COURT: I think a better way to do it would be to have him testify as to each picture, as to what it purports to show, and then we will mark it and give it a different number.

Direct Examination, by Mr. Johnson.

Q. What is that there?

A. I have a picture here, Your Honor, which shows me pointing down at the cracks in this little gangway, I guess you would call it, planks that lead out from Southern's terminal facilities onto the station platform. I believe that's Mr. Kirsch, one of the lawyers in the matter, standing there with me. This picture shows the wide cracks that are in there, that are between the boards that are
139 used for this gangway. They also show the deteriorated condition of the platform where this gangway type of thing joins the station platform. It apparently—apparently dropping that thing down against it, making it

fit in there, get it against the edge of the platform. Right here you see this platform is covered by this thin layer of plywood that I was talking about yesterday, and this hole right there by my toe has been worn out where the people go back and forth, or where the drawbridge comes.

THE COURT: Let's give it the next number.

MR. JOHNSON: That will be Exhibit 5. (The photograph above referred to was marked Exhibit 5 to the testimony of the witness, and same will be found among the exhibits hereto.)

Direct Examination, by Mr. Johnson.

Q. And what does this depict?

A. This is another picture of the drawbridge thing I was talking about. This side over here in the righthand side of the picture where the children are standing is the station part of it, and over here where it goes out to the
140 extreme left side of the picture is the end where the drawbridge joins the station platform. That is not included in the picture, however. You see this saw-horse type of thing that is put under there to support this drawbridge type of thing. You can see the cracks even from this angle in there. It would be dangerous to women and, of course, these children playing around in there, and I understand some of them had to tell some of the kids to get off this thing. It was dangerous for them to be there. They could fall under here to those tracks.

THE COURT: All right. Give that No. 6.

(The photograph above referred to was marked Exhibit 6 to the testimony of the witness, and same will be found among the exhibits hereto.)

Testimony of William B. Ingram

Direct Examination, by Mr. Johnson.

Q. This Exhibit 6 is at the Lauderdale Street Station of the Southern?

A. Yes, sir.

Q. Now, Mayor, I would like to ask you this question—this picture shows there is a rail down there. Is this
141 removable?

A. Yes, sir; that's a removable thing, and I got through with my other appointments last night and went back down there to see what the condition of the station was. I was hoping to get down there before the train pulled out, but they had taken this up, and it comes up in two sections, and they had put it out all along in here, and this is all conglomerated area of just apparatus, parts of things, which, of course, would be dangerous for people to walk around there in that vicinity. They are liable to stumble or fall, or it is liable to fall over on them. This is the part—this is the track which I was describing yesterday, which I am told is used to shove in the boxcars to the north end of the warehouse, which the next picture will show more clearly where the freight cars are shoved in back up here, and that's used for a warehouse, I understand. There is some company here that is using that for car loading (indicating throughout).

Now, there is no shelter between here and here up over this. There is no shelter over this area between the corner of this building, which is the south or southeast portion of the warehouse that extends on the other side of the
142 station, but there is no shelter where these young boys are standing at all. That's all open area. The

passengers have to walk in through there and meander around until they find their way (indicating throughout).

Q. What is this photograph?

A. This picture is another view of the drawbridge that I just mentioned, and over here on the right side of the picture where you see this rear wheel of this little truck-trailer thing, that's where I was talking about the hole is that would be dangerous to pedestrians walking in there, causing them to stumble or trip or fall. Right along here, this shows very well the condition of the platform where they don't have the plywood covering it, you see. The boards, some of them, are warped, and there are holes between them. Some of them are loose, not nailed down as tightly as they should be, and they could cause the women and children particularly to be likely to trip or fall or some aged person. We did see an old gentleman down there on crutches. He had to be very cautious about how he moved about. Now, this little truck thing you see there—this is the same place where the pedestrians go across to come out of the station, which is the white building right here
143 immediately behind the driver of that truck, is where the passengers go in to get the tickets and where they have the waiting room and this, of course, was taken during the time we were down there, and at that time I think the train was about to be loaded.

Anyway, there were a lot of people there, and these trucks were running in and out and up and down the platform, and in my opinion it is a hazardous condition to be allowed to continue, particularly to young children and women. This stuff could fall off of that truck very easily, and I don't know how long this particular one was, but

there were some there that had several of these little trailers attached onto them.

THE COURT: All right. Let's give that the next number.

(The photograph above referred to was marked Exhibit 7 to the testimony of the witness, and same will be found among the exhibits hereto.)

Direct Examination, by Mr. Johnson.

Q. Mayor, that photograph, Exhibit 7, was this truck with the little trailers on it, was that shuttling back
144 and forth over the passageway that the passengers were waiting to board that train on?

A. Yes, sir. After looking at it yesterday and seeing the condition and operation, it appears to me, and from the place that they put this plywood that must have been put down there for use by those trucks and all rather than the pedestrian traffic, because it appears from the use of that plywood that the trucks drive on it, and the trucks, from what I observed, were using it, and the people had to stand over there where the plywood wasn't put down.

Now, the next picture—I just took a broom that they had there on the thing, and this showed an old garbage can—not an old one, a new one, but that's the type of trash collector they have with the lid there on it. It's hanging up on one side, and I used the broom here to point out one of the cracks in the floor there. Now, here in the lower right-hand corner you can see where they put down this plywood strip on the west side of that platform. Now, as I stated yesterday, on the west side of that platform they didn't

have one, and that is true on the north side of this
145 little drawbridge thing. On the south side they have this strip put down there, and on this side over here, on the left-hand side behind me, is another strip of plywood put down on the station platform, and there is one right here. Down at the far end of the—that's the southeast end of the warehouse, they have another big drawbridge where they load in also some freight and mail, I think, and these little trucks and their trailers, and some of them have as many as eight or ten attached to them, drive up and down these strips of plywood and around on this strip of plywood to go back down this way, and then they, of course, come up these plywood strips and go in across that passenger bridge apparently when they take in any baggage and trunks and packages and things that are shipped.

Now, if Your Honor please, if you will notice right here, this is a post on the station platform in the center of it, which supports the roof for the shed that extends out over the platform. It doesn't extend out over the train or over this other track that runs between the platform and the passenger facilities. Along in here, these supports
146 have been boxed in over the years with apparently scrap lumber to apparently give them protection from the wheels and the sides of these little trucks that are hauling freight along in there to keep them from beating it up or jarring it down, chewing the edges out of it. But even notwithstanding that, something is knocked off these little boards and you can see from the floor up about two or three feet they have this post boxed in there, and on this side you can see where one of the planks have been knocked off. We examined the condition of those

things all along in there, and in this next picture you can see where the post is right on the right-hand edge of the picture near the top corner, and you can see the other posts and if you look down there—this is not a clear picture, because we didn't have a flash bulb, and it was taken in the shade and all and didn't make a very good picture, but you can see how this post has been chewed up. Now, along the bottom there where they have nailed those planks in there, you can see they haven't been pulled off, and they have left a lot of rusty nails sticking out which, of course, would tear a man's trousers if he walks close by or would
147 injure some children if they happened to stumble against it or get too close to it, or would certainly injure a lady's leg and being rusty as it is, it is certainly hazardous to the health and life of any person who might get infected by a tetanus infection if they were injured and had to get on the train and didn't have time to get first aid treatment.

THE COURT: Mr. Johnson, I don't believe we have to particularize to this extent. The Court can take note of these pictures.

Mark that the next exhibit.

(The photograph above referred to was marked Exhibit 8 to the testimony of the witness, and same will be found among the exhibits hereto.)

THE WITNESS: I am sorry. I thought you were interested in whether it is dangerous to continue operation of this station.

MR. RUSSELL: I want to object to the Mayor continuing to answer after the Court has made the remark. We have patiently stood here and restrained ourselves.

The pictures speak for themselves. We agree with
148 the Court.

THE COURT: We think this: The pictures do speak for themselves, and the Mayor can tell us in general what they purport to show, but I do not think we have to go into the detail that we have been going into. Of course, we are concerned on this preliminary injunction as to the adequacy of the facilities, but we don't have to go into the detail we have been going into.

MR. JOHNSON: All right, sir.

Q. Now, what is that picture?

A. Well, this is not as clear as we would like to have it, and it is difficult, Your Honor—of course, I realize the photographs speak for themselves, but some of these things I have testified are not shown in the photographs. You can't tell the nails are rusty from the photographs, for instance.

This is one of the Southern's passenger cars, and this is me standing here in the position about to board the car.

I had just talked with the attendant there who is a
149 negro man, in a white jacket and a cap and apparently was in some representative capacity, and when I first walked up there, I asked him about how the passengers boarded the trains. He proceeded to demonstrate. My reason for asking that was because the door was open on the train apparently ready to admit people to get on and they did get on before I asked him to demonstrate how they got on and what measures of protection did they take in order to guard against somebody stepping off this plat-

form into the crevice between the platform and the train itself, which was approximately a foot wide and three or four feet deep.

Now, you will notice here—this is the station platform along here, the edge of which can be seen right here next to the train, and this is one of the rails, and where I am standing is a plywood strip which has been laid down on the platform which I mentioned before. It sets out about two plank widths, and they look to be about two by six. Of course, the crack between the planks is very clear, and I asked him what protective measures did they take to prevent a child or a lady or an aged person or someone with bad sight from falling into that crevice there between the edge of the platform and the edge of the car, so he proceeded to show me. Before I had said anything about it, you could walk right in—it was accessible, and no effort was made to do anything apparently. He took this board here, which can be noticed right at my front toe on my right foot, which is a piece of plywood, and it looks like about an inch or three-quarters of an inch plywood, and about two feet wide or maybe thirty inches wide, and the first time, he put that from the station platform over into the floor of the entryway or vestibule of the railroad car. At that time this thing here, which you see along here, which is folded up against the edge of the door, was laying down so that the grated part of the vestibule floor there would be level and extended all the way out to the extreme edge of the railroad car. When he put that piece of plywood on it, it was up on the other side, in the car, and if a person coming out of the car—I did get in there, and I could stick my whole foot under the edge of that board, and, of course, a person with bad vision or

who was not watching what he was doing came out there, it would be very hazardous for a person to try to exit in that fashion, so I showed it to him, and he said that that was the way it worked, and then he got the plywood
151 board off of the thing and raised this part of the railroad car up, which leaves the steps uncovered, and then he put this plywood board from the station platform over onto the top step, the last one just before you get to the top of the floor of the railroad car, which meant that a person leaving the station platform in order to walk on to the railroad car would have to walk across this plywould board here and would angle down at about three, five percent, maybe ten percent grade to the first step. You would have to walk there and then step back up onto the floor of the railroad car.

I am standing here now for the purpose of showing you how the edge of that board sticks up on the platform, railroad platform, and that shows how my toe could get caught on the edge of that auxiliary plywood thing there that is used to put across that crevice I was talking about, you see.

THE COURT: We see. Let's mark that.

(The photograph above referred to was marked Exhibit 9 to the testimony of the witness, and same will be found among the exhibits hereto.)

152 **Direct Examination,** by Mr. Johnson.

Q. Mayor, that concludes the photographs on the Southern.

A. Other than things I could mention which I think are pertinent—

Testimony of William B. Ingram

Q. I will ask you.

Did you examine the waiting room and see the condition of the passengers down there waiting on this out-going train?

A. Yes, sir.

Q. Will you describe that to the Court, please?

A. If Your Honor please, I mentioned yesterday what a small waiting room they had and what inadequate facilities they had. We went down there yesterday afternoon. It must have been about twenty or thirty minutes before the train was to pull out, or maybe a little bit longer, but the people began to gather there, and so I examined the facilities inside again. While we were there examining those facilities I have just mentioned, the people did come. They filled up the waiting room. I counted about maybe fifteen or more people sitting down, but that was all the sitting space that was provided for apparently in the wait-
153 ing room itself, and people had to sit on their luggage, and they were sitting out—before we left, they were sitting out in the hallway on their luggage. They were sitting on this stairway that I mentioned that led up to the G. M. & O. offices upstairs, and they were sitting around out in front of the building on their luggage and waiting in their cars outside, waiting in the taxis outside. They were standing around outside on the station platform, and, of course, some of them had children with them that they had to watch out for that were outside on the platform running around, at least in a position if they were not guarded carefully, to get in front of one of these little trucks that I just described.

It was a very undesirable condition, and I think it was certainly most unsatisfactory and should not be tolerated another day.

THE COURT: Now, if you are through with the Southern, let's move on.

Direct Examination, by Mr. Johnson.

Q. Are you through with the Southern?

A. Outside on that platform they also had laid some great big sheets of boiler plate steel, which apparently had been used to lay over in the loading of the boxcars.
154 They were bent, had a hump, and that would allow somebody to catch their toe under that.

I examined the facilities in the toilet facilities. I didn't go into the ladies' room, because there were a lot of women there. I did go into the men's room and looked around. The doors there to the water closets or the toilets—I embarrassed some gentlemen, because it didn't have a latch on it. It couldn't be locked from the inside, and I looked around, and, of course, there was no place for a person if he is faint or ill or sick, to sit down and rest in the rest room at all.

THE COURT: Let's go on to the Missouri Pacific.

THE WITNESS: One other thing—excuse me—I just want to be fair now, because some of the Southern Railroad lawyers mentioned something about I didn't say anything about the air conditioning they had down there yesterday, and I just want to be fair. We looked around there. They had filing cabinets set out in the

hallway, which, of course, diminished the space
155 available for the use of pedestrians. They had shelves out in the hallway by the ticket office. There was only one little makeshift ticket office, which was set up by some piece of board being put across the middle of a door. There were no baggage lockers available at all. There was only one telephone available, and some lady was using it, I think, the whole time we were there, and there was a line standing up behind her, and nobody could get a telephone to call.

The air conditioner, which Mr. Laughlin asked me to look at, and he represented that the whole station was air conditioned—well, fortunately we had a cool evening yesterday, but that station in that condition with the people that were there yesterday during the hot weather that we have had the few days before, it would have been unbearable. They had an air conditioner, apparently it was an air conditioner and some type of heating or cooling unit in the waiting room itself built into the window. Of course, the other window was latched down, closed, and the air condi-
156 tioner was not on yesterday, and it was stuffy and uncomfortable and undesirable, a very undesirable condition yesterday even as cool as it was.

Direct Examination, by Mr. Johnson.

Q. Mayor, are there any restaurant facilities there?

A. No.

Q. Any taxicab stands there?

A. No taxi stands as such. Taxis drove up and left as we were there.

Q. Bringing passengers?

A. Yes, sir.

Q. Now, will you take the photographs of the Missouri Pacific and proceed to explain those?

A. If Your Honor please, this photograph here is a southwestern view, looking southwestern, and the white part of the building there is where they have the passenger terminal facilities. This sign where you see "Missouri Pacific Lines Passenger Station," that's a little metal awning there; that's the entrance door, and that's the only shelter at all for the entrance or exit to and from
157 the trains. They go into there, and there is a ticket office. I believe it is on the left. You go inside and turn to the right, and they have also a waiting room in there with some benches in it. It is not air conditioned, and they had—however, I think they had a floor fan on a tall pedestal, which was blowing, of course, and relieved the condition there somewhat, yesterday being not too hot a day, and it was fairly comfortable. But this is a picture here that shows the Missouri Pacific Station. These are tracks, which I mentioned yesterday, and if a person is there and didn't have motor transportation to go from the station down to Central Station, and had to walk, they would have to walk across these industrial switch tracks, and there are about four or five of them between here and the other station.

THE COURT: All right. Mark that as an exhibit.

(The photograph above referred to was marked Exhibit 9 to the testimony of the witness, and same will be found among the exhibits hereto.)

Testimony of William B. Ingram

Direct Examination, by Mr. Johnson.

Q. Now, what is that photograph?

158 A. This is a view looking eastwardly along the south side of Calhoun Street, and in the right-hand upper corner that shows a view of the building there where the passenger entrance is. You can see just what a small shelter there is over that door. These rails have been built out of railroad irons and put up, so I am told, to keep vehicles from parking in front of the building obstructing the entrance to it. As you can see, this is in an industrial area along in here, and at nighttime, of course, only one street light is way down the street, down there, and I think that's where you get down to Front Street along in there. But there are no sidewalks between here and the next block down there, and then, of course, the sidewalk condition is in a deteriorated fashion. The railroads there, several tracks I mentioned that would have to be crossed, and they might be shoving boxcars back and forth there. This has all been recently paved with new asphalt, but there is no marking here, and traffic can come in here right sharply and endanger people who might be in front of the dark station.

THE COURT: Let's give that the next number.

(The photograph above referred to was marked
159 Exhibit 11 to the testimony of the witness, and same will be found among the exhibits hereto.)

Direct Examination, by Mr. Johnson.

Q. What is the next picture?

A. This shows the west side of the Missouri Pacific building with the door that opens inside, opens into the building. It has on it "Waiting Room." This is a blackboard type of sign that I mentioned yesterday where they write up in chalk about the times coming in and leaving.

THE COURT: All right. Give that the next number.

(The photograph above referred to was marked Exhibit 12 to the testimony of the witness, and same will be found among the exhibits hereto.)

Direct Examination, by Mr. Johnson.

Q. What is this picture?

A. This picture shows the station platform. You can see this break, this part here—that's on the south side of the portion of the building that I just mentioned, and
160 this platform here leads along the entire length of the south side of that building, which is used for a warehouse, but the front portion, the two-story part is used for an office building and the passenger facilities. This plank platform runs along the south side there up to the paved part, which goes into the door which I just described, the building which I just showed you, and, of course, you can see the width of the cracks there and the general condition of that platform there and the distance out where the car, the passenger car is from the side of the platform.

MR. JOHNSON: That will be exhibit 13.

(The photograph above referred to was marked Exhibit 13 to the testimony of the witness, and same will be found among the exhibits hereto.)

Testimony of William B. Ingram

Q. What is this next picture?

A. This picture here shows another view of the platform and with the car door open there and where the steps lead down. Now, we talked to the employees there, and they told us that they don't allow the passengers to get off this train into this platform here, because the platform
161 is higher than the lowest step, see, but not as high as the highest level of the freight—of the passenger car, and, of course, it is about two and a half feet out from this car here to the edge of the platform, and this would be a very dangerous arrangement. They don't allow that, so they put up a sign in order to keep people off of this platform, because of the condition of the platform, because of the distance from the platform to the side of the car, which is obvious. They put up a sign here that says "Danger beyond this point." They want to keep people off, they told us that they had to—

THE COURT: How do they get people on the trains?

THE WITNESS: I was told that they opened the other side of the train in a fashion similar to this (indicating), which yesterday it was closed. It was closed up as if it were ready to run, but they tell me they let the other side down and let it open like this, and they step right out on the pavement.

THE COURT: So they board it from the ground level?

THE WITNESS: Yes, sir.

162 **Direct Examination,** by Mr. Johnson.

Q. Mayor, that "Danger" sign there, about how far, roughly, is that from the entrance or the exit door to the station?

A. Well, this picture shows it better here—

THE COURT: Well, let's mark that other one first.

(The photograph above referred to was marked Exhibit 14 to the testimony of the witness, and same will be found among the exhibits hereto.)

THE WITNESS: Here is another picture, which shows the same sign, and has a little rail here that has been built along at the end of the track, and you can see it kind of slants down a little bit, and this pavement runs up on the north side of that up to the edge of the building, and then the plank stops right there at the pavement. That's not shown in here, I don't believe. But this sign had been erected to keep people off that platform and keep them from trying to board the train in that station.

THE COURT: All right, give that the next number.

163 **Direct Examination,** by Mr. Johnson.

Q. That's just a few feet from where the people come in and go out?

A. Right. On the left side of this is where people go into that door, the picture of the door that I just showed you.

Testimony of William B. Ingram

MR. JOHNSON: Make that an exhibit, please.

(The photograph above referred to was marked Exhibit 15 to the testimony of the witness, and same will be found among the exhibits hereto.)

Direct Examination, by Mr. Johnson.

Q. Now, explain that photograph.

A. This photograph here is another shot looking south, and in the left-hand corner, the edge here, is a picture of that passenger car which I just mentioned there which showed up on the other side of the car in that other picture, that "Danger don't go beyond this point" sign, and this has been paved down here with asphalt, and on this track the other night was where I saw the passenger car, and getting off the train here walking, of course,
164 they have to be careful about this gravel, and I don't believe that pavement goes all the way up under the car enough to where they don't have to watch out for that gravel when they get on the train. But they have to walk from here to that door to get in there, and I stepped it off, and it is about twenty steps, and there is no shelter over that place where they get off the train to the station.

You see these trucks here or these trailers, whatever you call them, which apparently have been used for baggage and freight, lined up along there. Here you see a mail truck backed up to here. We asked the station employees about the nature of the traffic there, and they indicated that the trucks and the other vehicular traffic has to go right down alongside those cars, the passenger cars, and head in down there and back up, and apparently there is

considerable traffic going down there because the station employees said they had to stand out there and watch and guard people getting on or off the train, to keep them from being run over by these mail trucks or by the freight handlers using these big trucks that they push around, you know, with the big wheels, which I am sure everyone
165 has seen.

THE COURT: All right, mark that the next exhibit.

(The photograph above referred to was marked Exhibit 16 to the testimony of the witness, and same will be found among the exhibits hereto.)

Direct Examination, by Mr. Johnson.

Q. Mr. Mayor, are there any cafe or restaurant facilities at the Missouri Pacific Station?

A. No, sir.

MR. RUSSELL: Pardon me. I didn't understand that.—Any what?

MR. JOHNSON: Any restaurant or cafe facilities, and the answer was no.

THE WITNESS: Yes.

Direct Examination, by Mr. Johnson.

Q. Any taxi stands there?

A. No, sir.

Q. If a person used the City of Memphis bus, how far would they have to walk?

A. They would have to walk down to Main Street, which I think is about five blocks.

166 Now, I examined the condition of the waiting rooms and the rest rooms in that station also, if Your Honor please; and there were no passengers down there, so I asked the employees to let me go in and look at the women's rest room as well as the men's.

In both rest rooms there they do have some facilities for sitting down in case a person were faint or needed to rest. They have painted it up rather recently. I did notice in both of these places, however,—of course they didn't have facilities for latching the doors to keep somebody from straggling in or opening it up while another person was using it. I noticed in the men's room and in the women's room also, there were some holes in the wall, which were either the result of being knocked out for a pipe that used to be there or a rat hole, and in the Ladies' rest room I noticed something that did look like a rat hole, and it apparently had attracted their attention at one time, because they had endeavored to tack it over with a piece of tin, and it didn't keep that rat out, or something caused the thing to work out and open again, and I think that's a very unwholesome condition to maintain in a passenger terminal where a woman is going to have to use the
167 rest room right in there where she is likely to be—in a very—how would we describe that?

MR. ROBINSON: Inopportune may be the word you are looking for.

THE WITNESS: Well, it would be a rather uncomfortable position for a woman to be in and also meet a mouse.

Testimony of William B. Ingram

The same condition existed in the men's rest room, and that being a passenger terminal and also a freight terminal and with the handling of various and sundry type of freights, I could see how, if that continued over a period of time that would be an access for mice or rats or things of that sort that might happen to frequent a railroad freight station.

MR. JOHNSON: That is all.